

**HUNTINGTON BEACH
OFFICE OF THE ZONING ADMINISTRATOR
EXECUTIVE SUMMARY**

TO: Zoning Administrator
FROM: Jill Arabe, Assistant Planner
DATE: May 4, 2011

SUBJECT: **COASTAL DEVELOPMENT PERMIT NO. 11-004/ CONDITIONAL USE PERMIT NO. 11-005 (BROWN RESIDENCE)**

LOCATION: 4621 Los Patos Avenue, 92649 (northeast corner of Los Patos Avenue and Sims Lane)

Applicant: Joe Mark, Mark Designs, 24451 Muela, Mission Viejo, CA 92692

Property Owner: Robin Brown, 4621 Los Patos, Huntington Beach, CA 92649

Request: **CDP:** To permit the construction of an approximately 200 sq. ft. 3rd story deck to an existing 3,300 sq. ft., two-story single-family residence with an overall height of 33 ft. 6 in. **CUP:** To permit (a) an approximately 200 sq. ft. 3rd story deck, and (b) an overall building height exceeding 30 ft.

Environmental Status: This request is covered by Categorical Exemption, Section 15301, Class 1, California Environmental Quality Act.

Zone: RL – CZ (Residential Low Density – Coastal Zone)

General Plan: RL – 7 (Residential Low Density – 7 du/ac max.)

Existing Use: Single Family Residence

RECOMMENDATION: Staff recommends approval of the proposed project based upon the following findings:

The Zoning Administrator finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to section 15301 of the CEQA Guidelines, because additions to existing structures are exempt provided that they are less than 50% of the floor area of the existing structures.

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-004:

1. Coastal Development Permit No. 11-004 for the construction of an approximately 200 sq. ft. 3rd story deck to an existing two-story single family residence at an overall building height of 33 ft. 6 in. conforms with the General Plan, including the Local Coastal Program designation of Residential Low Density. The proposed project is consistent with Coastal Element Policy C 1.1.1 to encourage new development to locate within, contiguous to or in close proximity to existing developed areas able to accommodate it. The proposed construction will occur on a developed site, contiguous to existing residential development.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The project complies with all applicable development regulations, including minimum setbacks and on-site parking, and maximum building height and site coverage.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The project will be constructed on a previously developed site in an urbanized area with all necessary services and infrastructure available, including water, sewer, and roads.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The project will not impede public access, recreation, or views to coastal resources.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-005:

1. Conditional Use Permit No. 11-005 to permit (a) an approximately 200 sq. ft. 3rd story deck and (b) an overall building height exceeding 30 ft. will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The existing residence is located on a corner lot. The proposed third story deck will only be accessible from the interior of the building. The deck will not impact the privacy of adjoining neighbors as it will be primarily oriented toward the adjoining streets and located a minimum distance of 36 ft. from nearby residences to the north and east. Based upon conditions imposed, the proposed deck will be setback a minimum of 5 ft. from the building exterior which will minimize the visual mass and bulk of the residence.
2. The conditional use permit will be compatible with surrounding uses because the third story deck will be primarily oriented toward the adjoining streets which will protect direct views onto adjacent residences. Furthermore, the proposed deck is conditioned to be setback a minimum of 5 ft. from the building exterior which allows the residence to be compatible with the mass and scale of structures in the surrounding neighborhood. The proposed overall building height will be lower than the 35 ft. maximum height allowed by code.
3. The conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The project complies with minimum onsite parking and building setbacks, and maximum lot coverage and building height. The third story deck is allowed within the RL (Residential Low Density) zoning district with approval of a conditional use permit.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of RL-7 (Residential Low Density – 7 units per acre) on the subject property. In addition, it is consistent with the following objectives and policies of the General Plan:

A. Land Use Element

Policy – 9.2.1: Require that all new residential development within existing residential neighborhoods be compatible with existing structures including (b) the use of building heights, grade elevations, orientation, and bulk that are compatible with the surrounding development; and (d) maintenance of privacy on abutting residences.

B. Coastal Element

Objectives – C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Based upon conditions imposed, the proposed development is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code including maximum site coverage, maximum building height, and minimum on-site parking. The proposed rooftop deck above the second story will be oriented toward the streets, minimizing impacts to privacy on adjoining properties. The deck will also be setback a minimum of 5 ft. from the building exterior to reduce the mass and bulk of the structure along the street frontage.

SUGGESTED CONDITIONS OF APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-004 /CONDITIONAL USE PERMIT NO. 11-005:

1. The site plan, floor plans, and elevations received and dated February 22, 2011, shall be the conceptually approved design with the following modifications:
 - a. All plans (site plan, floor plans, and elevations) shall be revised to be drawn to scale (minimum 1/8" = 1' or 1" = 30') with accurate dimensions. Remove all notes referencing the inaccuracy of dimensions or setbacks.
 - b. A minimum 5 ft. setback shall be depicted on all plans, measured from the second floor building walls to the proposed outer extents of the third story deck railing.(HBZSO Sect. 210.06(M))
 - c. The railing located along the north elevation of the third story deck shall consist of a solid wall with a minimum height of 5 ft. above the deck.
 - d. The third story deck floor plan shall be revised to match the proposed elevations. The pilasters located along the south side of the stairway access and the north side of the deck shall be removed and replaced with a solid wall.
 - e. The development matrix shall be revised to accurately reflect the existing and proposed floor area of the building.
 - f. The existing floor plans shall be revised to remove proposed or new improvements.

2. Prior to submittal for building permits, the following shall be completed:
 - a. The plans shall be amended in accordance with Condition No. 1 and submitted to the Planning & Building Department for review and approval and for inclusion into the entitlement file.
 - b. The plans shall be submitted in sheets with a maximum size of 24" x 36".
3. Conditional Use Permit No. 11-005 in conjunction with Coastal Development Permit No. 11-004 shall become null and void unless exercised within two years of the date of final Coastal Development Permit approval by the Coastal Commission if the Coastal Development Permit is appealed, or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning & Building Department a minimum 30 days prior to the expiration date.
4. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryId=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof